

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ DEC 08 2016 ★

BROOKLYN OFFICE

ANTHONY WILLIAMS,

Plaintiff,

- against -

MEMORANDUM AND ORDER

10-CV-1022 (SLT) (JO)

NEW YORK STATE OFFICE
OF MENTAL HEALTH, et al.,

Defendants.

-----X
TOWNES, United States District Judge:

Pro se Plaintiff Anthony Williams commenced this action on March 5, 2010 and alleges in an amended complaint that the New York State Office of Mental Health and related parties violated his rights when he was involuntarily detained at the Kingsboro Psychiatric Center. (ECF No. 8). Before Defendants filed their presently pending motion for summary judgment, Plaintiff docketed three largely repetitive filings that sought relief from a second involuntary confinement to another facility that took place years later, in 2016. (*See* ECF No. 237 (“Motion for Judicial Intervention”); ECF No. 238 (“Motion to Renew/Amend Judgment”); ECF 239 (“Request for Conference Judicial Intervention”)). The undersigned referred those motions to Magistrate Judge Orenstein on August 4, 2016, requesting that Judge Orenstein also address whether Plaintiff should receive counsel or be appointed a guardian *ad litem* under FRCP 17(c). (ECF No. 241).

On August 8, 2016, Judge Orenstein issued his Report & Recommendations (“R&R”), recommending that the motions be denied because they sought “relief . . . wholly unrelated to the issues in this case.” (ECF No. 243 at 1). The R&R also concluded that any efforts to appoint counsel would be futile, considering the Court’s past efforts to locate counsel for Plaintiff and various factors set forth in *Hodge v. Police Officers*, 802 F.2d 58, 61-62 (2d Cir. 1986). (*Id.* at

2). The R&R deferred ruling on appointment of a guardian *ad litem*, and directed both Plaintiff and Defendants to file certain documents pertinent to that issue. The issue apparently remains under Judge Orenstein's consideration, as no related order has issued. Finally, the R&R also noted that objections were due by August 25, 2016. Months have passed since the R&R issued and Plaintiff has filed no objections.¹

The Court has reviewed Judge Orenstein's R&R for clear error on the face of the record. The Court finds no clear error and, therefore, adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1). Accordingly, Plaintiff's referred motions are hereby **DENIED**. (ECF Nos. 237-39).

Further, Defendants' Motion for Summary Judgment (ECF No. 247) is respectfully **REFERRED** to Magistrate Judge Orenstein for an additional report and recommendation and for consideration alongside the pending issue concerning a potential guardian *ad litem*.

SO ORDERED.

/s/ *Sandra L. Townes*

SANDRA L. TOWNES

United States District Judge

Dated: *December 6*, 2016
Brooklyn, New York

¹ Plaintiff has, however, filed over five documents in the same time frame. (See ECF No. 258 ("Memorandum in Opposition re Motion for Summary Judgment"); ECF No. 261 ("Plaintiff's Update"); ECF No. 264 ("Opposition to Memorandum"); ECF No. 265 ("Notice of 'Motion in Opposition'"); and ECF No. 266 ("Updated Review on the Plaintiff Motion Proceed Against City of New York" [sic])). None of those filings address the R&R, let alone state objections.